

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 497 final

Brussels, 28 July 1982

UNIVERSITY

ORDER SECTION

Proposal for a

COUNCIL REGULATION (EEC)

laying down general rules for the extension of certain rules  
issued by producers' organizations in the fruit and vegetable  
sector

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(submitted to the Council by the Commission)

COM(82) 497 final



EXPLANATORY MEMORANDUM

Regrettably, it has frequently happened that decisions taken by producers' organizations with a view, in particular, to stabilizing the market have been prevented from achieving their full effect because of conflicting action by producers not belonging to them.

The Commission has proposed to the Council (Article 15b of Regulation (EEC) No 1035/72) that Member States be permitted in certain circumstances to make the production and marketing rules issued by producers' organizations binding on non-member producers.

The Commission is now proposing that a producers' organization or association of producers' organizations should be considered as representative if at least 50% of the producers in the economic area it covers belong to it and account for at least 50% of production in the area.

However, the Commission is also proposing that it should not be possible for the rules applied by representative producers' organizations or associations thereof to be extended to non-members if, after consultations, it is found that at least one third of the producers in the area concerned, accounting for at least one third of its production, are opposed.

The rules which may be so extended are those on market information, production, marketing and adherence to market prices.

A number of these rules may also apply to buyers of produce which is sold on the tree by producers not belonging to a producers' organization.

In order to prevent this extension of the rules from becoming permanent and yet to all time for it to be effective, the Commission is proposing that a specific period of application be fixed.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing  
the European Economic Community,

Having regard to Council Regulation (EEC)  
No 1035/72 of 18 May 1972 on the common  
organization of the market in fruit and  
vegetables,<sup>1</sup> as last amended by Regulation  
(EEC) No <sup>2</sup>, and in particular  
Article 15b thereof,

Having regard to the proposal from the Commission,

Whereas Article 15b of Regulation (EEC) No 1035/72 permits Member States,  
under certain conditions, to extend certain rules issued in respect of its members by a  
producers' organization which is considered to be representative of production and  
marketing in its economic area to all non-member producers established in that area;

Whereas the representative character of a producers' organization must be  
established in the light of the proportion it represents of production and  
marketing activity on the market of the economic area concerned;

Whereas the rules applied by a representative organization should not,  
however, be extended to non-members against opposition by a substantial  
number of the producers of the economic area concerned;

Whereas, in order to harmonize the application of this system in the Member  
States, the rules which may be extended to non-members should be  
defined;

Whereas, where produce is sold on the tree, it should be specified which  
rules are to be extended to the producer and which to the buyer;

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<sup>1</sup>OJ No L 118, 20.5.1972, p.1

<sup>2</sup>OJ No L , 1982, p.

Whereas, in order to give the system the necessary flexibility, the period for which rules are to be extended to non-members should not exceed a certain length,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general rules for implementing the system under which the rules of producers' organizations in the fruit and vegetable sector are to be extended to non-members, as provided for in Article 15b of Regulation (EEC) No 1035/72.

Article 2

A producers' organization or association of producers' organizations shall be considered representative within the meaning of Article 15b(1) of Regulation (EEC) No 1035/72 if it covers at least 50% of the producers in the economic area in which it operates and at least 50% of the production of that area.

Article 3

The rules referred to in Article 15b of Regulation (EEC) No 1035/72 shall not be made binding where, after the consultations provided for in paragraph 1 of that Article, producers representing at least one third of production in the area make known their opposition.

Article 4

The rules which may be made binding upon producers established in a given area who are not members of a producers' organization as referred to in Article 15b of Regulation (EEC) No 1035/72 shall be those covering the activities listed in the Annex.

Article 5

1. In cases where a producer not belonging to a producers' organization sells his produce on the tree, the buyer shall, for the purposes of compliance with the rules referred to in points 1(e) and (f), 3(a), (b), (c), (d), and (e), and 4 of the Annex, be considered as having produced that produce.
2. The rule referred to in point 4 of the Annex shall apply in the event of resale of produce.
3. Member States may decide that rules listed in the Annex other than those referred to in paragraph 1 shall be made binding upon buyers where the latter are responsible for orchard management.

Article 6

Rules made binding under Article 15b of Regulation (EEC) No 1035/72 shall apply in respect of each product:

- for a period of not more than three marketing years in the case of the rules referred to in points 1, 2 and 4 of the Annex;
- until the end of each marketing year at the latest in the case of the rules referred to in point 3 of the Annex.

Article 7

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

List

of those rules applied by producers' organizations which may be extended to non-member producers under Article 15 b of Regulation (EEC) No 1035/72

1. Rules covering market information (Article 13(1)(b), last indent)
  - a) declarations of planting intentions, by product and possibly by variety;
  - b) notification of plantings;
  - c) declarations of total area under cultivation, broken down by product and possibly by variety;
  - d) declarations of anticipated harvest, with expected dates, by product and possibly by variety;
  - e) periodic declarations of quantities harvested and/or available stocks, by variety;
  - f) information about storage capacity.
  
2. Rules covering production (Article 13(1) (b), penultimate indent )
  - a) any prescribed time between final pesticide applications and harvesting;
  - b) use of specified seed depending on the intended outlet (fresh food market, industrial processing);
  - c) rules concerning treatment and maximum levels of pesticide residues;
  - d) rules on thinning.
  
3. Rules covering marketing (Article 13(1) (b), penultimate indent)
  - a) prescribed dates for the beginning of harvesting and the staggering or marketing in the case of pome and drupe fruit;
  - b) minimum qualities and sizes;
  - c) specific quality standards for produce which is to go for processing;

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- (d) rules on market preparation, presentation / packing and labelling /.
- (e) rules on indicating the origin of a product / excluding individual brand names /.

4. Rules on withdrawal prices

In accordance with the terms of Article 15(b)(1)(d) and 15b(7).